**IN THE UNITED STATES DISTRICT COURT**
**FOR THE NORTHERN DISTRICT OF ILLINOIS**

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| JOSE TRUJILLO, individually and on behalf of all others similarly situated,<br><br>Plaintiff,<br><br>vs.<br><br>APPLE COMPUTER, INC., a California Corporation, and AT&T MOBILITY LLC, a Georgia Corporation,<br><br>Defendants. | Case No. 1:07-cv-04946<br><br>SECOND SUPPLEMENTAL DECLARATION OF NEAL S. BERINHOUT IN SUPPORT OF AT&T MOBILITY LLC'S MOTION TO COMPEL ARBITRATION AND DISMISS ACTION |

I, Neal S. Berinhout, hereby declare as follows:

1. I am employed by AT&T Mobility LLC ("ATTM") (formerly Cingular Wireless LLC ("Cingular")) as Associate General Counsel—Litigation. The following facts are of my own personal knowledge, and if called as a witness I could and would testify competently as to their truth.

2. In October 2007, I submitted a declaration in support of ATTM's motion to compel arbitration in this case. I submit this declaration to correct one point made in that declaration.

3. In my earlier declaration, I stated that ATTM's Terms of Service booklet, which contains the terms and conditions of wireless service, is available in the stores in which ATTM cell phones are sold. I have since been informed that the Apple store in Oak Brook, Illinois where plaintiff Jose Trujillo purchased his iPhone does not keep ATTM's Terms of Service booklet in stock.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 5, 2008.

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Neal S. Berinhout